

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-77647

CHARLENE HILL,

Chapter 7

Debtor.

Judge Thomas J. Tucker.

ORDER DENYING DISCHARGE IN A CHAPTER 7 CASE

On December 11, 2009, the Court entered an “Order to Show Cause Why Debtor is Entitled to a Discharge” (Docket # 10), requiring Debtor and her attorney to “appear . . . and show cause why the debtor(s) is entitled to discharge in view of 11 U.S.C. § 727(a)(8) and § 727(a)(9).” The Court held a hearing on this matter on January 6, 2010. The Debtor’s attorney appeared at the hearing. At the hearing, the Court determined, and Debtor’s counsel conceded, that the Debtor is not entitled to a discharge in this case, in view of 11 U.S.C. § 727(a)(9), because Debtor received a Chapter 13 discharge (*i.e.*, a discharge under 11 U.S.C. § 1328) in a case commenced within six years before the date of the filing of the petition for relief in this case,¹ and the exception in the “unless . . .” clause of § 727(a)(9) does not apply.² Accordingly,

IT IS ORDERED that Debtor’s discharge is DENIED.

IT IS FURTHER ORDERED that, consistent with 11 U.S.C. §§ 362 (a) and 362(c)(1), the automatic stay under § 362(a) continues with respect to any act against property of the estate, until such property is no longer property of the estate; or until such stay terminates under some other provision of the Bankruptcy Code; or until the Court orders otherwise.

IT IS FURTHER ORDERED that, consistent with 11 U.S.C. §§ 362 (a) and 362(c)(2)(C), the automatic stay under § 362(a) of any act other than an act against property of the estate is terminated.

Signed on January 06, 2010

/s/ Thomas J. Tucker

¹ Debtor received a Chapter 13 discharge in Case No. 03-75107 on December 18, 2007. That case was filed in this Court on December 19, 2003.

² Debtor’s attorney conceded this. And the Chapter 13 Trustee’s final report in Case No. 03-75107, filed on November 16, 2007 (Docket # 42 in that case), demonstrates that the unsecured, non-priority creditors in that case were paid only 12.5% of their allowed claims.

Thomas J. Tucker
United States Bankruptcy Judge